

## Message Text

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INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 AF-06 ARA-10 EA-10 NEA-09 OIC-02 /114 W

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R 041637Z MAR 75

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 4987

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

UNCLAS SECTION 1 OF 3 VIENNA 1884

EO 11652: NA

TAGS: PORG, AORG, PDIP, UN, AU

SUBJECT: ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE DURING PERIOD

FEB. 26-28: UN 1975 CONFERENCE, VIENNA

REF: VIENNA 1787

TEXT OF ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE  
FROM FEBRUARY 26 TO 28 AND REFERRED TO DRAFTING COM-  
MITTEE ARE GIVEN BELOW:

ARTICLE 60 (INVOLABILITY OF PRIVATE ACCOMMODATION  
AND PROPERTY).

ILC TEXT ADOPTED.

ARTICLE 61 (IMMUNITY FROM JURISDICTION)

QUOTE: PARA 1. THE HEAD OF DELEGATION AND OTHER DELE-  
GATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELE-  
GATION SHALL ENJOY IMMUNITY FROM THE CRIMINAL JURISDICTION  
OF THE HOST STATE, AND IMMUNITY FROM THE CIVIL AND  
ADMINISTRATIVE JURISDICTION OF THE HOST STATE IN RE-  
SPECT OF ALL ACTS PERFORMED IN THE EXERCISE OF THEIR  
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OFFICIAL FUNCTIONS.

2. NO MEASURES OF EXECUTION MAY BE TAKEN IN RESPECT OF SUCH PERSONS UNLESS THEY CAN BE TAKEN WITHOUT INFRINGING THEIR RIGHTS UNDER ARTICLES 59 AND 60.

3. SUCH PERSONS ARE NOT OBLIGED TO GIVE EVIDENCE AS WITNESSES.

4. ANY IMMUNITY OF SUCH PERSONS FROM THE JURISDICTION OF THE HOST STATE DOES NOT EXEMPT THEM FROM THE JURISDICTION OF THE SENDING STATE.

5. NOTHING IN THIS ARTICLE SHALL EXEMPT SUCH PERSONS FROM THE JURISDICTION OF THE HOST STATE IN RELATION TO AN ACTION FOR DAMAGES ARISING FROM AN ACCIDENT CAUSED BY A VEHICLE, VESSEL OR AIRCRAFT USED BY SUCH PERSONS, WHERE THOSE DAMAGES ARE NOT RECOVERABLE FROM INSURANCE.

UNQUOTE.

ARTICLE 62 (WAIVER OF IMMUNITY)

ILC TEXT ADOPTED, WITH NEW PARA 4 (BIS) ADDED.

QUOTE: PARA 4 (BIS). PRIVILEGES AND IMMUNITIES ARE ACCORDED TO THE PERSONS MENTIONED IN PARAGRAPH 1, NOT FOR THEIR PERSONAL BENEFIT, BUT IN ORDER TO SAFEGUARD THE INDEPENDENT EXERCISE OF THEIR FUNCTIONS IN CONNECTION WITH THE ORGAN OR THE CONFERENCE.

UNQUOTE.

ARTICLE P (WAIVER OF IMMUNITY)

QUOTE: PARA 1. THE IMMUNITY FROM JURISDICTION OF THE HEAD OF THE OBSERVER DELEGATION AND OF OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION AND OF PERSONS ENJOYING IMMUNITY UNDER ARTICLE U MAY BE WAIVED BY THE SENDING STATE.

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2. WAIVER MUST ALWAYS BE EXPRESS.

3. THE INITIATION OF PROCEEDINGS BY ANY OF THE PERSONS REFERRED TO IN PARAGRAPH 1 SHALL PRECLUDE THEM FROM INVOKING IMMUNITY FROM JURISDICTION IN RESPECT OF ANY COUNTER-CLAIM DIRECTLY CONNECTED WITH THE PRINCIPAL CLAIM.

4. WAIVER OF IMMUNITY FROM JURISDICTION IN RESPECT OF CIVIL OR ADMINISTRATIVE PROCEEDINGS SHALL NOT BE HELD TO IMPLY WAIVER OF IMMUNITY IN RESPECT OF THE EXECUTION OF THE JUDGMENT, FOR WHICH A SEPARATE WAIVER SHALL BE NECESSARY.

4(BIS) PRIVILEGES AND IMMUNITIES ARE ACCORDED TO THE PERSONS MENTIONED IN PARAGRAPH 1, NOT FOR THEIR PERSONAL BENEFIT, BUT IN ORDER TO SAFEGUARD THE INDEPENDENT EXERCISE OF THEIR FUNCTIONS IN CONNECTION WITH THE ORGAN OR CONFERENCE.

2. IF THE SENDING STATE DOES NOT WAIVE THE IMMUNITY OF ANY OF THE PERSONS REFERRED TO IN PARAGRAPH 1 IN RESPECT OF A CIVIL ACTION, IT SHALL USE ITS BEST ENDEAVOURS TO BRING ABOUT A JUST SETTLEMENT OF THE CASE. UNQUOTE.

ARTICLE 63 (EXEMPTION FROM SOCIAL SECURITY LEGISLATION)

ILC TEXT ADOPTED.

ARTICLE 64 (EXEMPTION FROM DUES AND TAXES)

QUOTE: TO THE EXTENT PRACTICABLE, THE HEAD OF DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL BE EXEMPT FROM ALL DUES AND TAXES, PERSONAL OR REAL, NATIONAL OR MUNICIPAL, EXCEPT: UNQUOTE.

ILC TEXT ADOPTED FOR SUB-PARAS (A) THROUGH (F).

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ARTICLE R (EXEMPTION FROM DUES AND TAXES)

QUOTE: TO THE EXTENT PRACTICABLE, THE HEAD OF OBSERVER DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL BE EXEMPT FROM ALL DUES AND TAXES, PERSONAL OR REAL, NATIONAL, REGIONAL OR MUNICIPAL, EXCEPT:

(A) INDIRECT TAXES OF A KIND WHICH ARE NORMALLY INCORPORATED IN THE PRICE OF GOODS OR SERVICES;

(B) DUES AND TAXES ON PRIVATE IMMOVABLE PROPERTY SITUATED IN THE TERRITORY OF THE HOST STATE, UNLESS THEY HOLD IT ON BEHALF OF THE SENDING STATE FOR THE PURPOSE OF THE OBSERVER DELEGATION;

(C) ESTATE, SUCCESSION OR INHERITANCE DUTIES LEVIED BY THE HOST STATE, SUBJECT OF THE PROVISIONS OF PARAGRAPH 4 OF ARTICLE W;

(D) DUES AND TAXES ON PRIVATE INCOME HAVING ITS SOURCE IN THE HOST STATE AND CAPITAL TAXES ON INVESTMENTS MADE IN COMMERCIAL UNDERTAKINGS IN THE HOSTS STATE;  
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(E) CHARGES LEVIED FOR SPECIFIC SERVICES RENDERED;

(F) REGISTRATION, COURT OR RECORD FEES, MORTGAGE DUES AND STAMP DUTY, WITH RESPECT TO IMMOVABLE PROPERTY.

ARTICLE 65 (EXEMPTION FROM PERSONAL SERVICES)

ILC TEXT ADOPTED.

ARTICLE S (EXEMPTION FROM PERSONAL SERVICES)

ILC TEXT ADOPTED.

ARTICLE 66 (EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION)

ILC TEXT ADOPTED EXCEPT FOR SUB-PARAS 1(A) AND (B).

QUOTE: PARA 1(A). ARTICLES FOR THE OFFICIAL USE  
OF THE DELEGATION;

1(B) ARTICLES FOR THE PERSONAL USE OF THE HEAD OF  
DELEGATION OR OF ANY OTHER DELEGATE OR MEMBER OF THE  
DIPLOMATIC STAFF OF THE DELEGATION, IMPORTED IN THEIR  
PERSONAL BAGGAGE AT THE TIME OF THEIR FIRST ENTRY INTO  
THE TERRITORY OF THE HOST STATE TO ATTEND THE MEETING  
OF THE ORGAN OR CONFERENCE. UNQUOTE.

ARTICLE T (EXEMPTION FROM CUSTOMS DUTIES AND  
INSPECTION)

QUOTE: PARA 1. THE HOST STATE SHALL, IN ACCORDANCE  
WITH SUCH LAWS AND REGULATIONS AS IT MAY ADOPT, PER-  
MIT ENTRY OF AND GRANT EXEMPTION FROM ALL CUSTOMS  
DUTIES, TAXES AND RELATED CHARGES OTHER THAN CHARGES  
FOR STORAGE, CARTAGE AND SIMILAR SERVICES, ON:

(A) ARTICLES FOR THE OFFICIAL USE OF THE  
OBSERVER DELEGATION;

(B) ARTICLES FOR THE PERSONAL USE OF THE HEAD  
OF THE OBSERVER DELEGATION OR OF ANY OBSERVER DELE-  
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GATE OR MEMBER OF THE DIPLOMATIC STAFF OF THE OBSERVER  
DELEGATION, IMPORTED IN THEIR PERSONAL BAGGAGE AT THE  
TIME OF THEIR FIRST ENTRY INTO THE TERRITORY OF THE  
HOSTS STATE TO ATTEND THE MEETING OF THE ORGAN OR  
CONFERENCE.

2. THE PERSONAL BAGGAGE OF THE HEAD OF THE OBSERVER  
DELEGATION OR OF ANY OTHER OBSERVER DELEGATE OR  
MEMBER OF THE DIPLOMATIC STAFF OF THE OBSERVER DELE-  
GATION SHALL BE EXEMPT FROM INSPECTION, UNLESS THERE  
ARE SERIOUS GROUNDS FOR PRESUMING THAT IT CONTAINS  
ARTICLES NOT COVERED BY THE EXEMPTIONS MENTIONED IN  
PARAGRAPH 1, OR ARTICLES THE IMPORT OR EXPORT OF  
WHICH IS PROHIBITED BY THE LAW OR CONTROLLED BY THE  
QUARANTINE REGULATIONS OF THE HOST STATE. IN SUCH  
CASES, INSPECTION SHALL BE CONDUCTED ONLY IN THE  
PRESENCE OF THE PERSON ENJOYING THE EXEMPTION OR OF  
HIS AUTHORIZED REPRESENTATIVE. UNQUOTE.

ARTICLE 67 (PRIVILEGES AND IMMUNITIES OF OTHER  
PERSONS)

QUOTE: PARA 1. THE MEMBERS OF THE FAMILY OF THE HEAD  
OF DELEGATION WHO ACCOMPANY HIM, SHALL, IF THEY ARE NOT  
NATIONALS OF OR PERMANENTLY RESIDENT IN THE HOST STATE,  
ENJOY THE PRIVILEGES AND IMMUNITIES PROVIDED FOR IN

ARTICLES 59, 61, 65 AND IN PARAGRAPH 1(B) AND 2  
OF ARTICLE 66 AND EXEMPTION FROM ALIENS REGISTRATION  
OBLIGATIONS.

2. MEMBERS OF THE ADMINISTRATIVE AND TECHNICAL STAFF  
OF THE DELEGATION SHALL ENJOY THE PRIVILEGES AND IM-  
MUNITIES SPECIFIED IN ARTICLES 59, 60, 61, 63, 64 AND  
65, EXCEPT THAT THE IMMUNITY FROM CIVIL AND ADMINISTRA-  
TIVE JURISDICTION OF THE HOST STATE SPECIFIED IN PARA-  
GRAPH 1 OF ARTICLE 61 SHALL NOT EXTEND TO ACTS PER-  
FORMED OUTSIDE THE COURSE OF THEIR DUTIES. THEY SHALL  
ALSO ENJOY THE PRIVILEGES SPECIFIED IN PARAGRAPH 1(B)  
OF ARTICLE 66 IN RESPECT OF ARTICLES IMPORTED IN THEIR  
PERSONAL BAGGAGE AT THE TIME OF THEIR FIRST ENTRY

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INTO THE TERRITORY OF THE HOST STATE FOR THE PURPOSE  
OF ATTENDING THE MEETING OF THE ORGAN OR CONFERENCE.

3. MEMBERS OF THE SERVICE STAFF OF THE DELEGATION  
WHO ARE NOT NATIONALS OF OR PERMANENTLY RESIDENT IN  
THE HOST STATE SHALL ENJOY THE SAME IMMUNITY IN  
RESPECT OF ACTS PERFORMED IN THE COURSE OF THEIR  
DUTIES AS IS ACCORDED TO MEMBERS OF THE ADMINISTRATIVE  
AND TECHNICAL STAFF OF THE DELEGATION, EXEMPTION FROM  
DUES AND TAXES ON THE EMOLUMENTS THEY RECEIVE BY  
REASON OF THEIR EMPLOYMENT AND THE EXEMPTION PROVIDED

FOR IN ARTICLE 63.

4. PRIVATE STAFF OF MEMBERS OF THE DELEGATION IF THEY ARE NOT NATIONALS OF OR PERMANENTLY RESIDENT IN THE RECEIVING STATE SHALL BE EXEMPT FROM DUES AND TAXES ON THE EMOLUMENTS THEY RECEIVE BY REASON OF THEIR EMPLOYMENT. IN OTHER RESPECTS, THEY MAY ENJOY PRIVILEGES AND IMMUNITIES ONLY TO THE EXTENT ADMITTED BY THE HOST STATE. HOWEVER, THE HOST STATE MUST EXERCISE ITS JURISDICTION OVER THOSE PERSONS IN SUCH A MANNER AS NOT TO INTERFERE UNDULY WITH THE PERFORMANCE OF THE TASKS OF THE DELEGATION. UNQUOTE.

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ARTICLE 68 (NATIONALS OF THE HOST STATE AND PERSONS PERMANENTLY RESIDENT IN THE HOST STATE)  
ILC TEXT ADOPTED.

ARTICLE V (NATIONALS OF THE HOST STATE AND PERSONS PERMANENTLY RESIDENT IN THE HOST STATE)

QUOTE: PARA 1. EXCEPT IN SO FAR AS ADDITIONAL PRIVILEGES AND IMMUNITIES MAY BE GRANTED BY THE HOST STATE, THE HEAD OF AN OBSERVER DELEGATION AND OTHER OBSERVER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF AN OBSERVER DELEGATION WHO ARE NATIONALS OF OR PERMANENTLY RESIDENT IN THAT STATE SHALL ENJOY ONLY IMMUNITY FROM JURISDICTION AND INVIOABILITY IN RESPECT OF OFFICIAL ACTS PERFORMED IN THE EXERCISE OF THEIR FUNCTIONS.

UNQUOTE.

PARA 2. ILC TEXT ADOPTED.

ARTICLE 69 (DURATION OF PRIVILEGES AND IMMUNITIES)  
ILC TEXT ADOPTED.

ARTICLE W (DURATION OF PRIVILEGES AND IMMUNITIES)  
ILC TEXT ADOPTED.

ARTICLE 70 (END OF THE FUNCTIONS OF THE HEAD OF DELEGATION OR ANY OTHER DELEGATE OR MEMBER OF THE DIPLOMATIC STAFF

ILC TEXT ADOPTED.

ARTICLE X (END OF THE FUNCTIONS OF THE HEAD OF THE OBSERVER DELEGATION, OTHER OBSERVER DELEGATES OR MEMBERS OF THE DIPLOMATIC STAFF OF THE OBSERVER DELE-

GATION).

QUOTE:

QUOTE: THE FUNCTIONS OF THE HEAD OF THE OBSERVER DELEGATION, OTHER OBSERVER DELEGATES OR MEMBERS OF THE UNCLASSIFIED

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DEIPLOMATIC STAFF OF THE OBSERVER DELEGATION SHALL COME TO AN END, INTER ALIA:

(A) ON NOTIFICATION OF THEIR TERMINATION BY THE SENDING STATE TO THE ORGANIZATION OR THE CONFERENCE;

(B) UPON THE CONCLUSION OF THE MEETING OF THE ORGAN OR THE CONFERENCE. UNQUOTE.

ARTICLE 71 (PROTECTION OF PREMISES, PROPERTY, AND ARCHIVES)

ILC TEXT ADOPTED. HUMES

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
**Draft Date:** 04 MAR 1975  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
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